

**DURHAM, NORTH CAROLINA
MONDAY, JUNE 5, 2000
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk D. Ann Gray and Acting Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting to order and at that time, Council Member Stith congratulated his sister and brother-in-law on the birth of twins.

Council Member Blyth recognized the following: John Schelp, President of the Old West Durham Neighborhood Association for the recognition received by the Library of Congress, the Selective Enforcement Team (SET) and the K-9 unit of the Police Department.

Council Member Cheek made comments about the recent establishment of the St. Theresa Neighborhood Association.

Council Member Hill thanked everyone for hosting the NCAA Track and Field Championship.

Mayor Pro Tempore Clement announced his attendance at the opening of the American Tobacco Trail and congratulated staff for their involvement.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. Chief Chambers gave an overview of the three recent homicides that occurred in the City of Durham.

Relative to GBA #9 [TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE], John Pedersen reported that the City has not received comments from Time Warner Cablevision relating to this matter. He noted receipt of a letter from Time Warner Cable granting to the City another 30-day extension in order to finish agreement.

Laura Gill, Director of Budget, gave a brief overview of the Capital Improvement Plan FY 2001 - FY 2006 highlighting the goals and projects that include culture and recreation, downtown, general services, public protection, transportation [1966 Street Bond Allocations], and water and sewer. She also noted that this Plan will be discussed at

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the Finance Committee Meeting on Wednesday, June 7, 2000.

No priority items from the City Attorney.

City Clerk D. Ann Gray informed Council of a valid protest petition filed against GBA #13--CASE P99-65 JAMES BRANCH AND LLOYD GOODE (LAKE UNITY).

Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[NO ITEMS WERE PULLED FROM THE CONSENT AGENDA]**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: POLICE DEPARTMENT'S PRESENTATION OF THE STARS (STRATEGY TO ABATE AND REDUCE SENSELESS VIOLENCE) PROJECT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive the STARS initiative report from the Police Department was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: REVISION OF GRANT PROJECT ORDINANCE #11664 CONCERNING CITY OF DURHAM AND NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY/GOVERNOR'S CRIME COMMISSION - HISPANIC OUTREACH INTERVENTION STRATEGY TEAM (HOIST)

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a revised project ordinance extending the Hispanic Outreach Intervention Strategy Team (HOIST) grant period from September 30, 1999 to April 30, 2000 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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Ordinance #11967

**SUBJECT: PROPOSED LEASE AGREEMENT WITH M. M. FOWLER, INC.
FOR DISTRICT #1 POLICE SUBSTATION - JOYLAND CENTER,
2406 HOLLOWAY STREET**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the five year lease agreement between M. M. Fowler, Inc. and the City of Durham for District #1 Police Substation; and

To authorize the City Manager to make changes to the lease agreement prior to execution providing the changes do not increase the rent or reduce the square footage of the leased premises was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED SALE OF EASEMENT ACROSS RESIDUAL RIGHT OF
WAY AT HORTON ROAD AND STADIUM DRIVE - CIMARRON
HOMES**

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the sale of an easement containing approximately 2,891 square feet, with reversionary clauses, across the residual right of way at Horton Road and Stadium Drive to Cimarron Homes for \$2,900 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ANNUAL INSURANCE PLAN FOR FISCAL YEAR 2001

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to purchase insurance in accordance with the annual insurance plan and to purchase additional insurance as specified was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CIVIC CENTER ROOM RENTAL RATES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Resolution Establishing Room Rental Rates

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for the Durham Civic Center" was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8672

SUBJECT: 1996 GENERAL OBLIGATION BOND PROJECTS STATUS REPORT

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a bond projects status report from the Administration was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PROPOSAL TO CANCEL THE JANUARY 2, 2001 CITY COUNCIL MEETING AND THE CYCLE OF MEETINGS LEADING UP TO THAT MEETING

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt "An Ordinance Canceling the Regular City Council Meeting of January 2, 2001, the Committee-of-the-Whole Meeting of December 28, 2000, and the Finance Committee Meeting of December 21, 2000. [The Public Works Committee Meeting for this Agenda Cycle will not be Held] was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11968

SUBJECT: LIVE FIRE TRAINING EXERCISE - 1014 CORNELL STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Fire Department's request to burn the structure located at 1014 Cornell Street for a live fire training exercise was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING DR. C. ERIC LINCOLN

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MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a resolution memorializing Dr. C. Eric Lincoln was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - HOLIDAY INN EXPRESS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Holiday Inn Express, submitted by Tony Tate Landscape Architecture PA, on behalf of Manish Atma, consisting of a 35,142 square foot 64 room hotel on a 1.13 acre tract, zoned O&I-2 and F/J-B, and located on the east side of Farrington Road, south of NC 54 and west of I-40 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - AUBURN SUBDIVISION, PODS 5A AND 5C

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Auburn Subdivision, PODs 5A and 5C, submitted by the John R. McAdams Company, Inc., on behalf of M/I Homes, consisting of 91 single family lots on a 39.16 acre tract, zoned PDR-5.37, F/J-B and MTC (partial) and located on the south side of Auburn Village Drive, east of Barbee Road, south of Woodcroft Parkway and north of I-40 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN/PRELIMINARY PLAN APPROVAL - AUBURN SUBDIVISION, POD 5B

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan/preliminary plat for Auburn Subdivision, POD 5B, submitted by the John R. McAdams Company, Inc. on behalf of Terry-Peterson Residential Companies, consisting of 170 single-family homes on a ±36.99 acre site zoned PDR 5.37 and F/J-B and located on the east side of Barbee Road, south of Woodcroft Parkway Extension (under construction), north of Exchange Place (proposed) and

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I-40 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - WATKINS PARK APARTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan submitted by Cline Davis Architects P.A., on behalf of Crosland Properties, for 242 apartments on a ±20.31 acre site, zoned RM-12(D) and F/J-B and located at 5000 Old Chapel Hill Road, west of Five Oaks Drive was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SITE PLAN APPROVAL - WEST EDENS LINK DORMITORY

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan submitted by the Kieren Timberlake Associates, on behalf of Duke University, for one dormitory building, divided into four 'houses' with between 5 and 8 levels in each, totaling 143,358 square feet and for removal of an existing parking lot and a portion of Wannamaker Drive (private) on a ±8.33 acre portion of the campus. Four small parking areas, totaling 54 spaces, are proposed as part of this project. The property is located on Wannamaker Drive, south of Chapel Drive, north of Towerview Drive, within Duke University West Campus was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PRELIMINARY PLAT APPROVAL - HOPE CREEK SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a preliminary plat for the Hope Creek Subdivision, submitted by Hope Creek, Ltd., consisting of a 107 single family lot subdivision on a 58.97 acre tract, zoned PDR-2, and located on the west side of Cambridge Road, east of the Orange County line and New Hope Creek was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Absent: None.

SUBJECT: SITE PLAN APPROVAL - WESTERN OFFICE PLACE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Western Office Place, submitted by R. L. Horvath Associates, Inc. consisting of a two story office building totalling 29,448 square feet, proposed on 1.935 acres, zoned 1-2, and located south of U.S. Highway 70, east of Operations Drive and Western Park Place was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: PLANNING DEPARTMENTAL STREAMLINING AND ORGANIZATIONAL RESTRUCTURING

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Planning Department regarding streamlining and organizational restructuring was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT AMENDMENT FOR TRANSFER STATION OPERATION SERVICES - BROWNING FERRIS INCORPORATION (BFI)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amended and restated contract with Browning Ferris Incorporation (BFI) to add contract operation of the transfer station and the installation of equipment for improved operation for a monthly fee of \$67,970 beginning July 1, 2000; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:45 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BROWN WATER TREATMENT PLANT EXPANSION ENGINEERING

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SERVICES CONTRACT WITH HAZEN AND SAWYER, P.C.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with Hazen and Sawyer, P.C. in the amount of \$613,000 for engineering services at the Brown Water Treatment Plant; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:45 p.m. by the following vote:

Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.
Absent: None.

SUBJECT: PROPOSED ACQUISITION FOR THE THIRD FORK CREEK TRAIL - ACIE WARD AND ADDIE WATSON - LOCATED OFF OAK RIDGE BOULEVARD

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the acquisition of approximately 9.9820 acres of land located off Oak Ridge Boulevard, Tax Map 263-01-001, property of Acie Ward and Addie Watson, for \$31,200 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.
Absent: None.

SUBJECT: PROPOSED ACQUISITION FOR MARTIN LUTHER KING, JR. PARKWAY - ELLEN C. DOZIER AT 1100 ARCHDALE DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the acquisition of property containing approximately 22,600 square feet located at 1100 Archdale Drive, Tax Map 261-05-010, property of Ellen C. Dozier, with the total payment being \$31,500; and

To authorize the settlement of the pending condemnation case of City v. Dozier was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SOUTHWEST CENTRAL DURHAM REVITALIZATION - PROPOSED ACQUISITION OF PROPERTY AT 802 GATTIS STREET FROM PAUL CORNIGAN, 806 GATTIS STREET FROM FREDDIE

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**ROBINSON, 808 AND 810 GATTIS STREET FROM WILLIAM
AND SANDRA K. BOYCE**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the fee simple acquisition of property at 802 Gattis Street for \$32,000 from Paul Cornigan, 806 Gattis Street for \$30,000 from Freddie Robinson, and 808 and 810 Gattis Street for \$52,000 from William and Sandra K. Boyce; and

To authorize an additional payment, not to exceed \$1,180, to William and Sandra K. Boyce for loss in rental income was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AGREEMENT FOR THE US 70, SOUTH MIAMI BOULEVARD,
SHERRON ROAD, MINERAL SPRINGS ROAD INTERSECTION
IMPROVEMENT PROJECT (U-2808)**

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution authorizing the City Manager and City Clerk to sign and execute an agreement with NCDOT for Project U-2808 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Resolution #8673

**SUBJECT: CONTRACT SD 2000-01 - DRAINAGE IMPROVEMENTS AT
DAUPHINE PLACE, BURCH AVENUE, CARROLL STREET, WATTS
STREET AND WILLOWDALE DRIVE - R & G CONSTRUCTION
COMPANY**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with R & G Construction Company in the amount of \$156,064 for drainage improvement and repair projects on private property located at Dauphine Place, Burch Avenue, Carroll Street, Watts Street and Willowdale Drive; and

To authorize the expenditure of \$156,064 from the Storm Water Utility Fund for Contract SD 2000-01 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson,

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McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CONTRACT SD 2000-02 - DRAINAGE IMPROVEMENTS AT CRANFORD ROAD, NORTH HYDE PARK AVENUE, WEST KNOX STREET, SUNDIAL CIRCLE, TALCOTT DRIVE AND VALLEY DRIVE - R & G CONSTRUCTION COMPANY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a contract with R & G Construction Company in the amount of \$114,706 for drainage improvement and repair projects on private property located at Cranford Road, North Hyde Park Avenue, West Knox Street, Sundial Circle, Talcott Drive and Valley Drive; and

To authorize the expenditure of \$114,706 from the Storm Water Utility Fund for Contract SD 2000-02 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - D. R. HORTON, INC. - MEADOWBROOK

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with D. R. Horton, Inc., for the extension of City water and sewer to serve Meadowbrook, a 29.83 acre, 83 lot single family development located on the west side of Fayetteville Road and south of Massey Chapel Road was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - REDWOOD PARTNERS, LLC - AGAPE CHRISTIAN ACADEMY

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Redwood Partners, LLC for the extension of City water and sewer to serve Agape Christian Academy, a 10.04 acre site for a private school located on the east side of Redwood Road northeast of the intersection with Fletchers Chapel Road was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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**SUBJECT: CONTRACT ST-207 - BEECHWOOD CEMETERY DRIVE - B & B
PAVING COMPANY**

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a "Capital Project Ordinance Amending Ordinance #11851 Concerning City Facilities Renovations"; and

To adopt a "Capital Project Ordinance Amending Ordinance #11730 Concerning Cemetery Road - Beechwood Section G"; and

To authorize the City Manager to execute a contract in the amount of \$127,143 with B & B Paving Company, Incorporated for Contract ST-207; and

To authorize the expenditure of up to \$165,000 from the Cemetery Road - Beechwood Section G Account" was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11969

Ordinance #11970

**SUBJECT: FIREWORKS DISPLAY CONTRACT - FIREWORKS UNLIMITED OF
NORTH CAROLINA, INC. - WALLACE WADE STADIUM**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Fireworks Unlimited of North Carolina, Inc. in the amount of \$15,000 to display fireworks at the annual Independence Day Celebrations on Tuesday, July 4, 2000 [approximately 9:25 p.m.] at Wallace Wade Stadium [rain date is Wednesday July 5, 2000]; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR THE RENOVATION OF THE
PLAYGROUNDS AT CORNWALLIS ROAD PARK, WRIGHTWOOD
PARK, AND THE FAYETTEVILLE STREET ELEMENTARY SCHOOL
- CALLIS CONSTRUCTION SERVICES, INC.**

MOTION by Council Member Larson seconded by Council Member

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Jacobs to authorize the City Manager to enter into a contract with Callis Construction Services, Inc. in the amount of \$239,000, with a contingency of \$23,000, for the renovation of the playgrounds at Cornwallis Road Park, Wrightwood Park, and the Fayetteville Street Elementary School; and

To authorize the City Manager to make changes to the contract such that the scope of services is not reduced and the contract amount is not increased was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: RESOLUTION MEMORIALIZING MR. ARTHUR E. SPEARS, JR.

MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a resolution memorializing Mr. Arthur E. Spears, Jr. was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: BID REPORT - MARCH 2000

MOTION by Council Member Larson seconded by Council Member Jacobs to approve and record in the minutes the following bids and items which were acted upon by the City Manager during the month of March 2000 was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

CITY OF DURHAM NORTH CAROLINA

July 5, 2001

MEMO TO: P. Lamont Ewell
City Manager

THROUGH: John G. Pedersen, Jr.
Assistant City Manager

THROUGH: Navdeep S. Gill
Finance Director

THROUGH: Kenneth C. Pennoyer

Assistant Finance Director

FROM: Joseph W. Clark
Purchasing Manager

SUBJECT: Bid Report

Apparatus, Supplies, Materials, Equipment, Construction, and Repairwork:

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Comments: The Living Wage Ordinance #11333 is a part of this contract.

Opened: July 19, 1999

Bidder: T. D. Cleaning Service	*\$1,025.00/month
Durham, NC	\$12,306.00/year

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS

CORPORATION STATISTICS

Total Workforce	3	# Black Males	2	(66.67%)
Total # Females	1	(33.33%)	# White Males	(%)
Total # Males	2	(66.67%)	# Other Males	
(%)		# Black Females	1	(33.33%)
			# White Females	
(%)				
		# Other Females		(%)

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: Firefighter Protective Turn-Out Gear

Purpose of Bid: To provide firefighters with protective fire resistant
outerwear.

Opened: March 2, 2000

Bidders:	Jack L. Slagle Fire Equipment, Inc.	*\$33,943.50
	South Boston, VA	
	Lee Fire Equipment, Inc.	\$34,326.50
	Raleigh, N.C.	
	C.W. Williams & Co.	\$35,100.00
	Rocky Mount, N.C.	
	Newtons Fire & Safety, Inc.	\$39,200.00
	Sweptonville, N.C.	
	Stevens Fire Equipment	\$40,227.00
	Morganton, N.C.	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Jack L. Slagle Fire Equipment of South Boston, VA to determine compliance with the Minority and Women Business Enterprises Ordinance.

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There are no M/WBE firms available to provide this product.

The workforce statistics for Jack L. Slagle Fire Equipment of South Boston, VA are as follows:

Total Workforce	27	
Total # of Females	7 (26%)	
Total # of Males	20	(74%)
Total # of Black Males	0	(0%)
Total # of White Males	20	(74%)
Total # of Other Males	0	(0%)
Total # of Black Females	0	(0%)
Total # of White Females	7	(26%)
Total # of Other Females	0	(0%)

Performance Bond: ☒ Waived Not Waived ☐ Not Required

4. Bid: Dell Powervault Computer

Purpose of Bid: To provide the TS Department with a Dell Powervault Computer

Comments:

Opened: March 3, 2000

Bidders:	Dell Marketing L.P.	*	\$31,704.00
	Round Rock, TX		
	Atlantic Business Products, Inc.		\$32,865.36
	Trenton, NJ		

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bid submitted by Dell Marketing L.P. of Round Rock, Texas to determine compliance with the Minority and Women Business Enterprises Ordinance.

M/WBE firms were given the opportunity to bid on this product.

The workforce statistics for Dell Marketing L.P. are as follows:

Total Workforce	14,935	
Total # of Females	5,128 (34%)	
Total # of Males	9,807 (66%)	
Total # of Black Males	814 (06%)	
Total # of White Males	6,994 (47%)	
Total # of Other Males	1,999 (13%)	
Total # of Black Females	627 (04%)	
Total # of White Females	3,343 (22%)	

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Total # of Other Females 1,158 (08%)

Performance Bond: ☒ Waived _____ Not Waived ____ Not Required

5. Bid: Janitorial services at the Fleet Maintenance Facility

Purpose of Bid: To provide janitorial services at the Fleet Maintenance Facility.

Comments: The alternate bid for 24 months was chosen for cost effectiveness.
The Living Wage Ordinance #11333 is a part of this contract.

Opened: March 13, 2000

Bidders:	Staunton Sales, Inc. Durham, NC	\$820.00/12 months \$9,840.00 *\$820.00/24 months \$19,680.00
	Quality Janitor Durham, NC	\$852.00/12 months \$10,233.60 \$852.00/24 months \$20,467.20
	Al's Cleaning Durham, NC	\$875.00/12 months \$10,500.00 \$875.00/24 months \$21,000.00
	Genesis Cleaning Durham, NC	\$899.85/12 months \$10,798.21 \$989.84/24 months \$21,878.03
	Mother & Daughter Cleaning Durham, NC	\$2,341.66/12 months \$28,100.00 \$2,341.66/24 months \$56,200.00

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	50	# Black Males	22
(45.00%)			
Total # Females	24	(48.00%)	# White Males 3
(06.00%)			
Total # Males	26	(52.00%)	# Other Males
(%)			
		# Black Females	23
(47.00%)			
		# White Females	1
(02.00%)			
		# Other Females	

June 5, 2000

(%)

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Estimated Annual Requirements for Automotive Filters

Purpose of Bid: To provide Fleet Maintenance with a firm price contract for automotive filters.

Comments:

Opened: March 14, 2000

Bidders:	Davie Auto Parts	*	\$24,360.85
	Raleigh, NC		
	Sloan Auto Parts		\$43,628.34
	Durham, NC		

*Awarded based on: **X** Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	23		# Black Males	6
(26.09%)				
Total # Females	10	(43.48%)	# White Males	7
(30.43%)				
Total # Males	13	(56.52%)	# Other Males	
0	(0%)			
			# Black Females	3
(13.04%)				
			# White Females	7
(30.43%)				
			# Other Females	0
(0%)				

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

7. Bid: Leica TCA Engineering Survey Instrument

Purpose of Bid: To provide a survey instrument for the Public Works Survey Crew.

Opened: March 24, 2000

June 5, 2000

Comments:

Bidders: Earl Dudley Associates, Inc. *\$27,685.00
Charlotte, N.C.
Leica Geosystems, Inc. \$30,110.00
Norcross, GA

*Awarded based on: ☒ Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	34		# Black Males	1
(3.0%)				
Total # Females	12		(35.3%)# White Males	21 (61.7%)
Total # Males		22	(64.7%)# Other Males	0
(0%)				
			# Black Females	0
(0%)				
			# White Females	12
(35.3%)				
			# Other Females	0
(0%)				

LOCATION OF PERFORMING CONTRACT
Charlotte, N.C.

Total Workforce	5		# Black Males	0
(0%)				
Total # Females	1		(20%) # White Males	4
(80%)				
Total # Males		4	(80%) # Other Males	0
(0%)				
			# Black Females	0
(0%)				
			# White Females	1
(20%)				
			# Other Females	0
(0%)				

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

8. Bid: 3" Neptune Turbine Water Meters

Purpose of Bid: To provide the Water & Sewer Maintenance Division with 3"
Neptune turbine water meters.

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Comments: U.S. Filter is the sole regional source for this type meter.

Opened: March 27, 2000

Bidders: U.S. Filter Distribution Group *\$12,719.00
Morrisville, NC

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	19		# Black Males	2
(11%)				
Total # Females	1	(5%)	# White Males	16
(84%)				
Total # Males	18	(95%)	# Other Males	0
(0%)				
			# Black Females	0
(0%)				
			# White Females	1
(5%)				
			# Other Females	0
(0%)				

Performance Bond: _____ Waived _____ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

**SUBJECT: BIDS - GRASS MOWING SERVICES FOR ENVIRONMENTAL
RESOURCES - TARHEEL LAWN & BUILDING MAINTENANCE,
INC.**

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the bid from Tarheel Lawn & Building Maintenance, Inc. in the amount of \$53,480 for furnishing the City with grass mowing services (12 months) for Environmental Resources; and

To authorize the City Manager to enter into a contract with Tarheel Lawn & Building Maintenance, Inc. in the amount of \$53,480 for furnishing the City with grass mowing services

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(12 months) for Environmental Resources; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and are consistent with the general intent of the existing version of the contract was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: NO PARKING - BEVERLY DRIVE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance prohibiting parking at any time on either side of Beverly Drive between Forest Hills Boulevard and Carolina Circle was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11971

SUBJECT: STOP SIGNS: BUCK CROSSING

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) Buck Crossing Drive at Crichton Lane, southwest corner, and
- 2) Huntcroft Court at Crichton Lane, southeast corner.

Ordinance #11972

SUBJECT: STOP SIGNS - GRACEVIEW WAY, ROCKY SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

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- 1) Graceview Way at Myers Park Drive, north intersection, northeast corner;
- 2) Graceview Way at Myers Park Drive, south intersection, northeast corner;
- 3) North Ridge Place at Graceview Way, northwest corner; and
- 4) Bent Pine Court at Graceview Way, southwest corner.

Ordinance #11973

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - HOPE VALLEY FARMS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) On Arborfield Lane from Juliette Drive to the end of City maintenance,
- 2) On the entire length of Wood Valley Court, and
- 3) On Sugar Creek Court from Wood Valley Court to the end of City maintenance.

Ordinance #11974

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - ATLANTIC STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Atlantic Street from Columbia Street to Utah Street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11975

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - DE MILLE STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on De Mille Street from Glenbrook Drive to the dead end

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of De Mille Street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11976

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT -
HUNTINGRIDGE ROAD (FALCONBRIDGE SUBDIVISION)**

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Huntingridge Road from NC 54 to Knotty Pine Road was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11977

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - HIGHLAND
HEIGHTS**

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) On Tuggle Street from the east curbline of Barbee Road, if extended, eastward to Lacy Road;
- 2) On Uzzle Street from the east curbline of Barbee Road, if extended, eastward to Lacy Road; and
- 3) On Lacy Road from Tuggle Street southward to the north curbline of Carpenter Fletcher Road, if extended.

Ordinance #11978

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - WALL STREET

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph on Wall Street from Elm Street to Holman Street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley,

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Larson, McKissick, Stith and Wagstaff. Noes: None.
Absent: None.

Ordinance #11979

SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - WELLONS VILLAGE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing a speed limit of 25 mph at the following locations was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- 1) On Landon Street from the east curbline of Fidelity Drive, if extended, eastward to the west curbline of Hardee Street; and
- 2) On Mimosa Street from the north curbline of Landon Street, if extended, northward to the west curbline of Hardee Street.

Ordinance #11980

SUBJECT: STREET ACCEPTANCE - HOPE VALLEY FARMS - GAITHERS POINTE PH 1A, CAMERON WOODS, OPERATIONS DRIVE OFFICE COMPLEX

MOTION by Council Member Larson seconded by Council Member Jacobs to accept the following certain streets for maintenance by the City of Durham was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Hope Valley Farms - Gaithers Pointe PH 1A

1. **Gaithers Pointe Drive** - from the centerline of S. Roxboro Street Extension northward to the end of PH 1A @ STA 6+50(650'); and
2. **Tapestry Terrace** - from the centerline of Gaithers Pointe Drive west then north to the end of PH 1A @ 6+65 (665'); and
3. **Conklin Drive** - from the centerline of Tapestry Terrace eastward to the centerline of Gaithers Pointe Drive (539').

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Cameron Woods

1. **Ashland Drive** - from the north curblineline of Pickett Road northward to the end of Phase I construction @ STA 18+20 (790'); and
2. **Paradise Place** - from the centerline of Ashland Drive west thru the cul-de-sac (282'); and
3. **Alderman Lane** - from the centerline of Ashland Drive east thru the cul-de-sac (127'); and
4. **Alderman Lane** - from the centerline of Ashland Drive west to the end of construction @ STA 10+00 (440').

Operations Drive Office Complex

1. **Western Park Place** - from the centerline of Operations Drive east thru the cul-de-sac (469').

SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING SEWER MAIN ON EDENTON LANE FROM WOODBERRY ROAD TO NEW BERN PLACE UNDER THE ENABLING ACT AUTHORITY

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution setting a **public hearing on Monday, June 19, 2000** to consider ordering sewer main improvement on Edenton Lane from Woodberry Road to New Bern Place under the Enabling Act Authority was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[Council Member Jacobs disclosed that she lives on Edenton Lane]

SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF CERTAIN ASSESSMENT ROLLS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt resolutions setting **public hearings on Monday, June 19, 2000** for confirmation of the following assessment rolls was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. **Curb, Gutter and Paving on West Pettigrew Street** - from Powe Street to Campus Drive;

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- b. **Curb, Gutter and Paving on West Pettigrew Street** - from Erwin Road to Swift Avenue;
- c. **Curb, Gutter and Paving on Winfield Drive** - from Yorkshire Street to Westcrest Street;
- d. **Water and Sewer Laterals on Winfield Drive** - from Yorkshire Street to Westcrest Street;
- e. **Curb, Gutter and Paving on Tarik Drive** - from Dixon Road to Mossdale Avenue;
- f. **Street Opening, Curb, Gutter and Paving on Tarik Drive** - from Mossdale Avenue west to west property line of Tax Map #261-8-3;
- g. **Water and Sewer Laterals on Tarik Drive** - from Mossdale Avenue west to west property line of Tax Map #261-8-3;
- h. **Water Main on Tarik Drive** - from Mossdale Avenue west to west property line of Tax Map #261-8-3;
- i. **Curb, Gutter and Paving on Oakmont Avenue** - from N.C. Highway 55 around loop to N.C. Highway 55;
- j. **Water and Sewer Laterals on Oakmont Avenue** - from N.C. Highway 55 around loop to N.C. Highway 55; and
- k. **Curb, Gutter and Paving on Mossdale Avenue** - from Archdale Drive to Tarik Drive.

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

ASSESSMENTS

SUBJECT: CURB, GUTTER AND PAVING ON JEROME ROAD FROM LANSING AVENUE TO KIRBY STREET

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for curb, gutter and paving on Jerome Road from Lansing Avenue to Kirby Street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards,

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Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff.
Noes: None. Absent: None.

**SUBJECT: CURB, GUTTER AND PAVING ON CHOWAN AVENUE FROM
BRANDON ROAD WESTWARD TO END OF STREET**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for curb, gutter and paving on Chowan Avenue from Brandon Road westward to end of street was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CURB, GUTTER AND PAVING ON CHOWAN AVENUE FROM
BRANDON ROAD EAST TO KIRBY STREET**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for curb, gutter and paving on Chowan Avenue from Brandon Road east to Kirby Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER LATERALS ON CHOWAN AVENUE FROM
BRANDON ROAD EAST TO KIRBY STREET**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water and sewer laterals on Chowan Avenue from Brandon Road east to Kirby Street was approved at 7:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore

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Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff.
Noes: None. Absent: None.

SUBJECT: CURB, GUTTER AND PAVING ON AKRON AVENUE FROM ALFRED STREET TO JEROME ROAD

Due to an objection, Mr. Lee Murphy, of the Public Works Department, requested that the property of Sudie M. Fields be referred to the Public Works Committee.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for curb, gutter and paving on Akron Avenue from Alfred Street to Jerome Road and to refer the property of Sudie M. Fields to the Public Works Committee was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER LATERALS ON AKRON AVENUE FROM ALFRED STREET TO JEROME ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for water and sewer laterals on Akron Avenue from Alfred Street to Jerome Road was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: CURB, GUTTER AND PAVING ON LANSING AVENUE FROM JEROME ROAD EAST TO END OF STREET EAST OF BRANDON ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public

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hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for curb, gutter and paving on Lansing Avenue from Jerome Road east to end of street east of Brandon Road was approved at 7:47 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: SIDEWALK ON CLERMONT ROAD (SOUTH SIDE) FROM PELHAM ROAD TO EUCLID ROAD; EUCLID ROAD (EAST SIDE) FROM CLERMONT ROAD TO REVERE ROAD AND BLANCHARD ROAD (EAST SIDE) FROM EUCLID ROAD TO NC HIGHWAY 54

To adopt a resolution ordering sidewalk on Clermont Road (South Side) from Pelham Road to Euclid Road; Euclid Road (East Side) from Clermont Road to Revere Road and Blanchard Road (East Side) from Euclid Road to NC Highway 54.

MOTION by Council Member Larson seconded by Council Member Jacobs to continue the public hearing until the June 19, 2000 City Council Meeting and to refer the item to the June 12, 2000 Public Works Committee was approved at 7:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISE

To receive any additional citizens' comments regarding the transfer of control of the cable television franchise.

To adopt an ordinance approving the transfer of control of the cable television franchise.

Council Member Cheek asked why comments were not received from Time Warner Cablevision.

John Pedersen, Assistant City Manager, stated that he spoke with Mr. Phillips of Time Warner Cable and he indicated that the documents were sent to their legal offices in Connecticut and they are awaiting a response.

Council Member Blyth asked staff to give an update at the June 19, 2000 City Council Meeting regarding the process and feasibility of having an alternate cable company.

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MOTION by Council Member Larson seconded by Council Member Jacobs to continue the public hearing until the June 19, 2000 City Council Meeting was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: FISCAL YEAR 2000-01 CITY OF DURHAM PRELIMINARY BUDGET

To receive citizens' comments concerning the Fiscal Year 2000-01 City of Durham Preliminary Budget.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Estella Collins, Secretary of the Walltown Community Association, noted that a promise was made to Walltown to renovate the building in the park and also to provide their neighborhood with a gym.

Wilma Holmes, representing the Walltown Community Association, spoke on behalf of the senior citizens indicating a need for a year-round program. She noted that an addition is needed to the existing structure due to senior citizens being displaced by summer programs.

LaHarve Johnson, a resident of the Walltown Community Association, noted that the residents are seeking support in allocating funds to build a gym. She urged Council to allocate the \$25,000 for the construction of a facility and not for the study as proposed in the preliminary budget.

Audrey Mitchell, President of the Walltown Community Association, asked Council to honor their plan that was presented to the City Council on May 19, 1996 -- the addition to the recreation center, that trees be trimmed and alleyway concerns at Onslow and Lancaster Streets be addressed.

Lavonia I. Allison, representing Durham Committee on the Affairs of Black People, spoke in support of funding for the Walltown community. She also urged Council not to support the one-cent property tax increase for the American Tobacco project. She asked Council to find another alternative to fund this project.

Bill Johnson, of 1206 E. Main Street, spoke in support of funding for the Fire Department. He noted the need for fire equipment because of its deplorable condition.

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Stacy Myers, representing the Walltown Neighborhood Ministries, spoke in support of funding for the youth pilot program. He noted that funding would help with initiatives such as SLAM, Rites of Passage/Sisterhood and GED programs.

Jim McDonald, representing the Hope Valley Neighborhood Association, asked that the budget schedule be amended to include public comments because of the inadequate amount of time for public view of the CIP. He noted relative to the tax increase, projects need to be identified and the need for continued funding for the Rape Crisis Center.

Larry Hester, 3526 Abercromby Drive, expressed concern that the inner-city needs have been left out of the budget. He asked Council to support the following for Fayetteville Street: 3 police officers, development, that utility lines be buried for beautification, and sidewalk replacement in the area.

Warren L. Herndon, representing the Durham Business & Professional Chain, asked that upon approval of the American Tobacco Project, that RFPs be obtained on building the parking deck and demolition of the DATA site and that the M/WBE's participation is closely followed.

Denise Hester, 3526 Abercromby Drive, spoke in opposition to a tax increase for the American Tobacco Project.

John Bosch, of 1006 W. Markham Avenue, expressed concern about the City's wasteful spending and he suggested that the City consider a hot-line whereby citizens can call-in and report instances.

Mike Shiflett, representing the Campaign for Decent Housing, asked the City to continue the current level of funding.

Stella Adams, Executive Director of the NC Housing Center, spoke in support of homeownership, maintaining the current staffing level in the Human Relations Department and the CIP amendment to fund the Garrett Road Extension. She also spoke in opposition to the one-cent tax increase.

Carl Webb, of the Lakehurst Community, spoke in support of the City Manager's budget for downtown development.

Pam Spaulding, representing PAC 2, spoke in support of funding for PAC facilitators.

Lorisa Seibel, representing the Campaign for Decent Housing, spoke in support of continued funding for safe, affordable and decent homes.

Stanley Hoffman spoke in support of additional police officers for District 3, the Lakewood substation and for

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traffic enforcement.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick made comments on the bill recently sent to the state legislators for consideration to allow Durham to post cameras at intersections to improve safety.

Council Member Cheek noted that Duke Power should be contacted to remove any tree limbs on the line.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the Fiscal Year 2000-01 City of Durham Preliminary Budget was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

NOTE: Ruffin Hall, of the Budget Office, noted that the following annexation ordinances shall reflect the public hearing date of June 5, 2000.

SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO APRIL 1, 2000 - RENAISSANCE CENTER - 2000-13

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Council Member Cheek asked when annexation petitions come before the City Council, are discussions completed by the time the annexation requests come before the City Council or are those discussions ongoing up until the time we are asked to rezone.

Ruffin Hall, of the Budget Office, noted that the development proposal may change many times between the original petition and the time of consideration.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Renaissance Center, 52.76 acres contiguous to the City limits, located in the southeast quadrant of Fayetteville and Herndon Roads; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Renaissance Center)"--effective June 30, 2000 was approved

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at 8:48 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11981

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - PAGE ROAD MIXED USE DEVELOPMENT -
2000-16**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Page Road Mixed Use Development, 75.24 acres contiguous to the City limits, located on the east side of Page Road and the south side of Comstock Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Page Road Mixed Use Development)"--effective June 30, 2000 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11982

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - BURTON ROAD SUBDIVISION - 2000-18**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bob Jervis, representing a number of homeowners in the Burton Road area on Cooksbury Drive, Ardsley Road and Burton Road, spoke in opposition to the annexation request. He urged Council to defer voting on the annexation until they have an opportunity to proceed through the Zoning Committee and through the rezoning process.

Attorney Jack Markham, representing Jimmy Goldston, spoke in support of the annexation request. He also noted that Mr. Goldston wants to have his property annexed whether the

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rezoning goes through or not and that Mr. Goldston's property is currently served by City sewer.

Mayor Tennyson declared the public hearing closed.

Council Member McKissick asked what has been the past practice regarding an annexation issue which is predating the rezoning.

City Attorney Henry Blinder noted that this has been the standard practice.

Norman Standerfer, City/County Planning Director, gave an overview of the process.

Council Member McKissick asked if this project previously had been reviewed by the Planning and Zoning or would this be its first opportunity.

Norman Standerfer, Director of the City/County Planning, noted that this is the first one.

Council Member McKissick asked staff if the recommendation would be any different on this project depending upon whether it was going before the County Commissioners or City Council.

Shelia Stains-Ramp, of the City/County Planning Department, noted that the basis for the evaluation is the same regardless of where it ends up.

Council Member McKissick spoke in support of the rezoning.

A motion was made by Council Member Cheek seconded by Council Member Blyth to delay the annexation for 30 days to allow the Planning Commission to consider it.

Council Member Blyth asked City Attorney Henry Blinder what criteria are we legally allowed to use when we make a decision as to whether or not to request the property owners' petition for annexation into the City.

City Attorney Henry Blinder noted that deciding on annexations, which is limited to the public health, safety and welfare, it's a purely legislative decision whether it's intended from open venues or a proposed adopted plan. It's whether the property should be brought within the jurisdiction of the City.

Council Member Blyth made a friendly amendment to hear the request after the County Commissioners review the rezoning request.

Council Member Cheek did not accept the friendly amendment.

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Council Member McKissick asked staff what is the financial implication on behalf of the City if Council does not take action tonight.

Ruffin Hall, of the Budget Department, noted that the effective date of the ordinance is for June 30th. He also stated that a continuation into July would most likely mean that we would have to prorate the taxes.

City Attorney Henry Blinder made comments about taxes being prorated.

A substitute motion was made by Council Member McKissick seconded by Council Member Stith to approve the item as printed on the agenda.

1) Annexation

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Stith to receive citizens' comments concerning the annexation of Burton Road Subdivision, 157.3 acres non-contiguous to the City limits, located on the east side of Burton Road near the intersection of Cheek Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Burton Road Subdivision)"--effective June 30, 2000 **FAILED** at 9:07 p.m. by the following vote: Ayes: Mayor Tennyson and Mayor Pro Tempore Clement and Council Members Hill, Larson, McKissick, Stith. Noes: Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley and Wagstaff. Absent: None.

2) Fire Protection Services

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Stith to authorize the City Manager to execute a contract with Redwood Volunteer Fire Department to provide fire protection services to the Burton Road Subdivision **FAILED** at 9:07 p.m. by the following vote: Ayes: Mayor Tennyson and Mayor Pro Tempore Clement and Council Members Hill, Larson, McKissick, Stith. Noes: Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Langley and Wagstaff. Absent: None.

MOTION by Council Member Cheek seconded by Council Member Blyth to continue the Burton Road Subdivision annexation public hearing until the July 17, 2000 City Council Meeting to allow the Planning Commission to consider it; and

To continue the Fire Protection Services contract for the Burton Road Subdivision until the July 17, 2000 City Council

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Meeting was approved at 9:09 p.m. by the following vote:
Ayes: Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, McKissick and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Larson and Stith. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - BENNIE BULLOCK PROPERTY - 2000-19**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of the Bennie Bullock Property. 0.5 acres contiguous to the City limits, located at the intersection of Goodwin Road and Laurel Drive; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Bennie Bullock Property)"--effective June 30, 2000 was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11983

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - TECH DISTRIBUTION CENTER - 2000-20**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

1) Annexation

MOTION by Council Member Larson seconded by Council Member Wagstaff to receive citizens' comments concerning the annexation of the Tech Distribution Center, 45.983 acres non-contiguous to the City limits, located at the intersection of T. W. Alexander Drive and Page Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not

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Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Tech Distribution Center)"--effective June 30, 2000 was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11984

2) Fire Protection Services

MOTION by Council Member Larson seconded by Council Member Wagstaff to authorize the City Manager to execute a modified half-base contract with the Bethesda Volunteer Fire Company to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts for the Tech Distribution Center area was approved at 9:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - MEADOWBROOK SUBDIVISION - 2000-21**

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Pat Bocckino, of 7340 Abron Drive, spoke in opposition to the annexation noting that the site is non-contiguous to city limits and that the developer pulled his application in January.

Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Larson seconded by Council Member Jacobs to approve the item as printed on the agenda as amended.

A substitute motion was made by Council Member Blyth seconded by Council Member Wagstaff to delay the Meadowbrook Subdivision annexation until it has been heard by the Board of County Commissioners.

City Attorney Henry Blinder noted that Council would need to indicate a date to continue the public hearing.

Council Member Blyth asked for clarification on this

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annexation case.

Shelia Stains-Ramp, of the City/County Planning Department, gave an update noting that the annexation petition was withdrawn and never voted on by the Board of County Commissioners. She stated that the applicant re-filed, it's been before the Zoning Committee once and the public hearing was continued to the June 14th Zoning Commission Meeting.

Council Member Blyth requested that the Meadowbrook Subdivision annexation be delayed until the December 18, 2000 City Council Meeting.

SUBSTITUTE TO THE SUBSTITUTE MOTION by Council Member Cheek seconded by Council Member Larson to delay the Meadowbrook annexation until the August 21, 2000 City Council Meeting until the Planning Commission has had an opportunity to review it **FAILED** at 9:15 p.m. by the following vote: Ayes: Council Members Burnette, Cheek, Langley and Larson. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Edwards, Hill, Jacobs, McKissick, Stith and Wagstaff. Absent: None.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Wagstaff to delay the Meadowbrook annexation until the December 18, 2000 City Council Meeting until it has been heard by the Board of County Commissioners **FAILED** at 9:16 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Edwards, Langley and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Hill, Jacobs, Larson, McKissick and Stith. Absent: None.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Meadowbrook Subdivision, 29.82 acres non-contiguous to the City limits, located on the west side of Fayetteville Road south of Massey Chapel Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Meadowbrook Subdivision)"--effective June 30, 2000 was approved at 9:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Blyth, Edwards and Wagstaff. Absent: None.

Ordinance #11985

2) Fire Protection Services

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MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a modified half base contract with the Parkwood Volunteer Fire Department to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts for the Meadowbrook Subdivision area was approved at 9:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members, Burnette, Cheek, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Blyth, Edwards and Wagstaff. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - RAVINIA (RIATA) - 2000-22**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Ravinia (Riata), 122.52 acres contiguous to the City limits, located in the vicinity of Highway 751 and I-40; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Ravinia)"--effective June 30, 2000 was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Blyth. Absent: None.

Ordinance #11986

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - ROSS ROAD PROPERTY - 2000-23**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Ross Road Property, 0.09474 acres contiguous to the City limits, located in eastern Durham off N.C. Highway

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98; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Ross Road Property)"--effective June 30, 2000 was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11987

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - STONE ROAD INDUSTRIAL PARK--PHASE
II - 2000-24**

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Stone Road Industrial Park--Phase II, 11.205 acres non-contiguous to the City limits, located near Stone Park Court, near the intersection of Angier Avenue and Wrenn Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Stone Road Industrial Park, Phase II)"--effective June 30, 2000 was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11988

2) Fire Protection Services

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a modified half-base contract with the Bethesda Volunteer Fire Company to provide supplemental fire protection over a five-year period with the same terms and conditions as services are

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provided to other areas in such contracts for the Stone Road Industrial Park, Phase II area was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - GRANDALE PLACE - 2000-25**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

1) Annexation

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Grandale Place, 59+ acres contiguous to the City limits, located east of Herndon Drive at the Clermont Drive intersection; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Grandale Place)"--effective June 30, 2000 was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11989

2) **Fire Protection Services**

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a modified half-base contract with the Parkwood Volunteer Fire Department to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts for the Stone Road Industrial Park, Phase II area was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - DURHAM MEMORIAL BAPTIST CHURCH**

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- 2000-26

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

1) Annexation

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Durham Memorial Baptist Church property, 12.22 acres non-contiguous to the City limits, located on the east side of Robbins Road near its intersection with Wake Forest Highway; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Durham Memorial Baptist Church)" --effective June 30, 2000 was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11990

2) Fire Protection Services

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a modified half-base contract with the Bethesda Volunteer Fire Company to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts for the Durham Memorial Baptist Church property was approved at 9:19 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - MURRAY'S MINI STORAGE - 2000-
27**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Murray's Mini Storage, 6.137 acres non-contiguous to the City limits, located at 804 Junction Road, south of its intersection with Cheek Road; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Murray's Mini Storage)"--effective June 30, 2000 was approved at 9:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11991

**SUBJECT: VOLUNTARY ANNEXATION PETITION SUBMITTED PRIOR TO
APRIL 1, 2000 - INDIGO APARTMENTS - 2000-29**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

1) Annexation

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning the annexation of Indigo Apartments, 41.25 acres non-contiguous to the City limits, located in the southeast quadrant of the intersection of Page and Lumley Roads; and

To adopt "An Ordinance as amended Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Indigo Apartments)"--effective June 30, 2000 was approved at 9:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Ordinance #11992

2) Fire Protection Services

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a modified half-base contract with the Bethesda Volunteer Fire Company

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to provide supplemental fire protection over a five-year period with the same terms and conditions as services are provided to other areas in such contracts for the Indigo Apartments area was approved at 9:20 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[ZONING MATTERS]

SUBJECT: ZONING CASE: P99-63, CIVIL CONSULTANTS, INC. (JOHN BLACKWOOD)- 0.88 ACRES ON NORTH SIDE OF LYCKAN PARKWAY (3708), EAST OF MARTIN LUTHER KING, JR. PARKWAY

Case: P99-63

Applicant: Civil Consultants, Inc. (John Blackwood)

Location: 0.88 acres on north side of Lyckan Parkway (3708), east of Martin Luther King, Jr. Parkway

Request: Rezoning from RM-12 (Multifamily Residential District) to OI-1(D) (Transitional Office and Institutional District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RM-12 and placing same in and establishing same as OI-1(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Tony Whitaker, representing the applicant, spoke in support of the rezoning request noting the development plan was added.

No one spoke in opposition to the rezoning.

Mayor Tennyson declared the public hearing closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cheek to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code,

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by taking the above described property out of RM-12 and placing same in and establishing same as OI-1(D) was approved at 9:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ZONING CASE: P99-65 - JAMES BRANCH AND LLOYD GOODE (LAKE UNITY)- 137.29 ACRES WEST OF FLETCHER'S CHAPEL ROAD, NORTH OF BRIGHTWOOD LANE, EAST OF MEDALLION DRIVE

CASE: P99-65 Applicant: James Branch and Lloyd Goode (Lake Unity)

Location: 137.29 acres west of Fletcher's Chapel Road, north of Brightwood Lane, east of Medallion Drive

Request: Rezoning from RD (Rural District); F/J-B to PDR 2.98 (Planned Density Residential with maximum of 2.98 units per acre); F/J-B.

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD; F/J-B and placing same in and establishing same as PDR 2.98; F/J-B.

Zoning Committee's Recommendation and Vote: Approval (4-3)

Planning Department's Recommendation: Approval

[Valid protest petition was submitted]

Norman Standerfer, City/County Planning Director, gave an overview of the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Attorney Ken Spaulding, representing the applicant, spoke in support of the rezoning request outlining all issues raised by the Planning Staff and Zoning Commission have been addressed, the number of units and acres were reduced and that Kenneth Bell withdrew his name from the protest petition. Also, he noted that they were presented with records from the Health Department acknowledging a number of failing septic tanks in the area and that the developer will pay for the sewer infrastructure and placement, but the placement of the sewer will be left up to the Engineering Department. [Handed out letters of support for the project to the Council]

Rick Prentis, representing the applicant, spoke in support of

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the rezoning noting that there is a need for sewer and quality development in this area.

Opponents

Ricky Cates, of 2503 Fletcher's Chapel Road, spoke in opposition to the rezoning request noting that 400 residents have signed a protest petition opposing the rezoning and that this rezoning would have an impact on the schools and traffic.

Attorney Michael Weeks, representing Ruby Fletcher Edwards, spoke in opposition to the rezoning request noting a concern with the direct route of running the sewer from the project to the outfall across Mrs. Edwards' property. He stated that she will not sell any property for a sewer easement, nor will she grant any type of easement or right-of-way for sewer and does not wish to have her property served.

Phillip Edwards, representing his mother - Ruby Edwards, spoke in opposition to the rezoning request noting that running the sewer line across his mother's property would change the tax value. He also stated to come across the property, it would have to be condemned.

Pat Bocckino, of 7340 Abron Drive, spoke in opposition to the request noting that this area does not have a small area plan. She urged Council to vote against this rezoning because the schools would be overcrowded.

Rebuttal

Attorney Ken Spaulding, representing the applicant, made comments about the level of service. He stated if the Engineering Department can find an alternate location other than coming across Mrs. Edwards' property, the developer would support and fund that. Attorney Spaulding noted that the easement would not condemn all 23 acres.

Mayor Tennyson declared the public hearing closed.

Council Member Cheek asked if sewer lines were going in at some point because of septic problems.

Lee Murphy, of the Public Works Department, replied yes--everywhere within the urban service area.

Council Member Cheek spoke in support of the rezoning request. He noted that he would like to see bonds, increase in taxes to deal with the school situation.

Council Member Wagstaff asked what would be the financial impact on this project if the City did not take the sewer line across Mrs. Edwards' property.

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Attorney Spaulding noted that if there is an alternate location, the developer would pay for the sewer extension.

Lee Murphy, of the Public Works Department, outlined that the developer is obligated to pay for whatever sewer extension is necessary to serve their project. He also noted that if Mrs. Edwards doesn't want to relinquish easement the item would have to come back to Council for a vote.

Council Members Hill, Larson, Stith, Mayor Tennyson and Mayor Pro Tempore Clement spoke in support of the rezoning.

Council Members Blyth and McKissick spoke in opposition to the rezoning.

Discussion was held by Council on the septic problem, concerns about annexing property, price of townhomes (\$150,000 -\$250,000) not being affordable, growth management, project would allow people to work near where they live and the rezoning request from RD to PDR 2.98.

Attorney Henry Blinder made comments about Council's consideration of the rezoning.

MOTION by Council Member Larson seconded by Council Member Langley to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD; F/J-B and placing same in and establishing same as PDR 2.98; F/J-B was approved at 10:10 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Hill, Jacobs, Langley, Larson, Stith and Wagstaff. Noes: Council Members Blyth, Edwards and McKissick. Absent: None.

SUBJECT: ZONING CASE: P00-7- HUNTER BOURNE III (FORE PROPERTY COMPANY)- 13.14 ACRES LOCATED ON THE SOUTH SIDE OF MARTIN LUTHER KING, JR. PARKWAY, EAST OF FAYETTEVILLE ROAD

CASE: P00-7

Applicant: Hunter Bourne III (Fore Property Company)

Location: 13.14 acres located on the south side of Martin Luther King, Jr. Parkway, east of Fayetteville Road

Request: Rezoning from R-20 (Residential 20 District) to RM-8(D) (Multifamily Residential District, maximum of 8 dwelling units per acre with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in

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and establishing same as RM-8(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, made comments about the proposed project. He noted that the request is consistent with the Small Area and 2020 Plans and staff recommended approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Mr. Ron Horvath, representing Fore Property Company, spoke in support of the rezoning request. He noted that this development would have minimum traffic and school impacts.

No one spoke in opposition to the rezoning request.

Mayor Tennyson declared the public hearing closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as RM-8(D) was approved at 10:14 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

SUBJECT: ZONING CASE: P00-21 - R. L. HORVATH ASSOCIATES FOR BENNETT POINTE PARTNERS, LTD - 7.89 ACRES NEAR THE INTERSECTION OF HILLSBOROUGH ROAD AND BENNETT MEMORIAL ROAD, SITE OF THE BENNETT POINTE SHOPPING CENTER

Case: P00-21

Applicant: R. L. Horvath Associates for Bennett Pointe Partners, LTD

Location: 7.89 acres near the intersection of Hillsborough Road and Bennett Memorial Road, site of the Bennett Pointe Shopping Center

Request: Rezoning from I-1 (Industrial Park District) to SC(D) (Shopping Center Commercial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same

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being Chapter 24 of the Durham City Code, by taking the above described property out of I-1 and placing same in and establishing same as SC(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Norman Standerfer, City/County Planning Director, briefed Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Mr. Ron Horvath, representing Bennett Pointe Partners, Ltd., spoke in support of the request noting that they are trying to make the site conforming.

No one spoke in opposition to the rezoning request.

Mayor Tennyson declared the public hearing closed.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of I-1 and placing same in and establishing same as SC(D) was approved at 10:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

[OTHER MATTERS]

SUBJECT: CITY HALL BASEMENT RENOVATION PROJECT

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Cheek to approve the item as printed on the agenda.

Council Member McKissick made comments about holding this item until action had been taken on the budget. He stated that there might be opportunities for savings to keep the budget in line to avoid a tax increase.

A substitute motion was made by Council Member McKissick seconded by Council Member Blyth to hold this item for one cycle.

Council Member Jacobs spoke in support of the project.

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Council Member Blyth spoke in opposition to the project.

Council Member Larson asked if Council has already approved this project in the Capital Improvement program.

Kendall Abernathy, Director of Property & Facilities Management, replied yes.

Council Member Larson made comments about the rationale for approving the project.

SUBSTITUTE MOTION by Council Member McKissick seconded by Council Member Blyth to hold this item until the June 19, 2000 City Council Meeting until action has been taken on the budget **FAILED** at 10:23 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, McKissick and Wagstaff. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Cheek, Edwards, Hill, Jacobs, Langley, Larson and Stith. Absent: None.

MOTION by Mayor Pro Tempore Clement seconded by Council Member Cheek to authorize the City Manager to enter into a contract with each of the four multi-prime contractors, listed in the attached memorandum, in the total amount of \$1,585,161 plus a \$158,516 contingency, to provide for the mechanical, electrical, plumbing and general contractor services for the City Hall Basement renovation project; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 10:24 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: Council Member Blyth. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:24 p.m.

D. Ann Gray, CMC
City Clerk